

AMENDMENTS

Amendments to the Claims

Claim 9 has been cancelled to prepare this case for allowance.

Amendments to the Specification

Paragraph [0027] has been modified to correct a typographical error (i.e., replacing element 100 with element 110) and to delete a reference number (100) that is not used elsewhere in the case. As such, neither of these modifications constitutes new matter.

Paragraph [0035] has been amended to include a specific reference to electrical line 155, which element appeared in many of the instant drawings but was heretofore never referenced in the specification. Because it is old and well known that pumps of the sort discussed in the instant application are usually powered by electrical power and that such power typically is delivered to the pump via a conventional electrical line, the instant modification does not constitute new matter.

CLAIM OBJECTIONS AND REJECTIONS

In Paragraph 1 of the Office Action, the Examiner objects to the applicant's drawings under 37 CFR 1.83(a). It is said that the "plant shelf" of Claim 2 and the "suspension strap" of Claim 9 must be shown or the features canceled from the claims.

First with respect to Claim 2, in reply applicants would point out that an example of the plant shelf is clearly presented in Figure 7. That is, a plant shelf is a step or terrace within an ornamental pond that is below the surface of the water but above the bottom of the pond. In

Figure 7 the skimmer 110 is sitting on a plant shelf. All of this is made clear in the instant specification. Consider, for example, the following explanatory text from the instant application:

Paragraph [0012]: According to a first preferred embodiment there is provided a skimmer which is designed to sit within the pond itself, e.g., rest on a pond's plant shelf, or hang by straps or other mechanical means from the ponds edge.

Paragraph [0029]: In the event that a side mounted pump 150 is utilized (e.g., Figure 1), the skimmer 110 is preferably of such dimensions to permit it to be rested on a plant shelf or terrace within the ponds perimeter (e.g., as is illustrated in Figure 7).

Paragraph [0035]: As is best illustrated in Figure 7, a preferred method of installing one embodiment of the instant invention within the confines of an ornamental pond is to rest it on a step, plant shelf, or other shallow support surface within the pond body.

As such and in view of the foregoing, it is believed that Claim 2 is in condition for allowance and that the instant objection should be withdrawn.

Turning next to the rejection of Claim 9, applicant firmly believes that the "strap" that is complained-of is fully and accurately described in the specification. See, for example,

Paragraph [0012]: According to a first preferred embodiment there is provided a skimmer which is designed to sit within the pond itself, e.g., rest on a pond's plant

shelf, or hang by straps or other mechanical means from the ponds edge.

(Emphasis added).

Paragraph [0030]: In one preferred arrangement, pin 410 is inserted into the ground adjacent to the pond and one or more straps affixed thereto. The other ends of the straps will be affixed to the skimmer 110 preferably along its upper periphery, e.g. at a protrusion provided for such a purpose proximate to its upper periphery (not shown in Figure 2). In another arrangement, one end of the strap or straps will be looped about the upper periphery of the skimmer body 110 and the other secured to pin 410 or some other relatively immobile object. In Figure 1, the rim that encircles the upper perimeter of skimmer 110 could serve to keep the skimmer from slipping through the restraining straps. 1, the rim that encircles the upper perimeter of skimmer 110 could serve to keep the skimmer from slipping through the restraining straps. (Emphasis added).

Thus, applicant feels that a rejection based on the absence of this feature from a drawing is inappropriate and should be withdrawn. However, in an effort to speed allowance of this case, applicant has cancelled Claim 9 *supra*.

As such, the instant rejection of Claim 9 has been made moot and should be withdrawn.

In Paragraph 2, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description:

"100". That is, the Examiner has objected to the appearance within the specification of reference sign 100 without a corresponding labeled element in a drawing.

In reply, the applicant has amended the specification to remove both instances of element 100 therefrom. (See the amendment of paragraph [0027] offered *supra*.)

As such, the instant objection has been made moot and should be withdrawn.

In Paragraph 3, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign not mentioned in the description: "155".

In reply, applicant has amended paragraph [0035] of the specification to include a specific reference to the electrical line 155.

As such, applicant believes that the instant objection has been made moot and should be withdrawn.

In Paragraph 4, it is said that Claim 1-10 are allowed. No reply to this paragraph is believed to be necessary by the applicant.

In Paragraph 5, the Examiner sets forth the reasons for allowance. No reply to this paragraph is believed to be necessary by the applicant.

In Paragraph 6, the Examiner indicates that the prior art that has been made of record but not cited in the Office Action is considered to be relevant. No reply to this paragraph is believed to be necessary by the applicant.

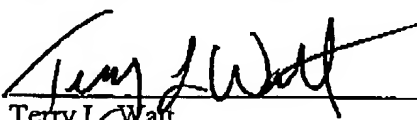
In Paragraph 7, the Examiner indicates that the application is considered to be in condition for allowance except for the changes that were required to the drawings.

In reply, rather than submit new drawings the applicant has amended the specification to make moot the Examiner's objections. As such, it is believed that the objections should be withdrawn and the case allowed to issue.

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In view of the foregoing, it is submitted that all of the claims as-amended herein are in condition for allowance. Early and favorable action is, therefore, earnestly solicited.

Respectfully submitted,



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